

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUL 10 2017

JULIA C. DUDLEY, CLERK
BY: F. Cole
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

District of _____

Danville Division

Case No.

4:17CV00042

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

Cedrick Ebron Draper

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Pizza Hut,
ANDMuy Pizza Hut Southeast LLC,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Amended COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Cedrick Ebron Draper

Street Address

2229 YORKTOWN AVE #302

City and County

LYNCHBURG

State and Zip Code

VIRGINIA

Telephone Number

276 806 4958

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Muy Pizza Hut Southeast LLC c/o James Bodenstedt
Job or Title (if known) Company CEO James Bodenstedt = c/o
Street Address 17890 Blanco Rd Suite ~~444~~ 444
City and County SAN ANTONIO TX (CED) (CED)
State and Zip Code Texas 78232
Telephone Number 210-493-3305
E-mail Address (if known) contact@muycompanies.com

Defendant No. 2

Name Pizza Hut c/o David Kingery ; c/o Emmanuel Boateng
Job or Title (if known) Owner at my time of employment David Kingery = c/o
Street Address 2550 Greensboro Rd.
City and County Martinsville City and Henry County
State and Zip Code Virginia 24112
Telephone Number 276-638-4514
E-mail Address (if known) _____

Defendant No. 3

Name Arzon Lewis
Job or Title (if known) Pizza Hut General Manager
Street Address 2550 Greensboro Rd.
City and County Martinsville City and Henry County
State and Zip Code VA 24112
Telephone Number 276 638 4514
E-mail Address (if known) _____

Defendant No. 4

Name _____
Job or Title (if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (if known) _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Pizza Hut
Street Address	2550 Greensboro Rd.
City and County	Martinsville City and Henry County
State and Zip Code	Virginia 24112 Henry County 24148
Telephone Number	276 638 4514

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

☐
☒
☐
☐
☐
☒
☒

Failure to hire me.

Termination of my employment.

Failure to promote me.

Failure to accommodate my disability.

Unequal terms and conditions of my employment.

Retaliation.

Other acts (specify): Discriminatory conduct. ① Oppression ② Harassment, Perjury within
 (Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

8/2016; 12/18/2016; Date of termination due to termination being unlawful 12/22/16
The time span of the General Manager Aaron Lewis existence in the
 C. I believe that defendant(s) (check one): Ridgeway Store location.

☐
☒

is/are still committing these acts against me.

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

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☐
☐
☐
☐
☐
☐

race

indirect remarks

color

gender/sex

religion

national origin

age (year of birth)

(only when asserting a claim of age discrimination.)

disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

Charge Application is dated: 12/22/2016

They received my charge letter on the 27th 2016. Refer to FOIA Attachment information

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date)

Date mail to me
1/20/2017

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Damages or relief is in the sum of \$175,000. Attachment information places observation to define lines of punitive or exemplary observation with damages.

Plaintiff seeks this amount on the count of the allegation information included with the amended complaint and FOIA information.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

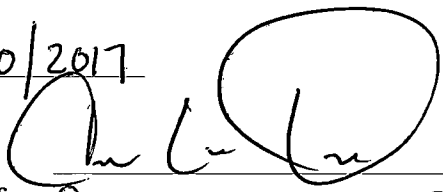
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

7/10/2017

Signature of Plaintiff



Printed Name of Plaintiff

CEDRICK EURON DRAPER

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
